

REMARKS

The Claims in the application are 21-38 and 40-41. Claims 24 and 38 have been amended in this paper. Claim 39 has been cancelled.

Claim Rejections - 35 USC § 112

The Examiner has rejected Claims 21-26, and 34-39 under 35 USC 112, 2nd paragraph, as indefinite.

The term “BINAP”, was employed in claim 39 and is defined in the specification at p. 52, lines 5-6, as a mixture of (+) and (-) [1,1'-binaphthalene]-2,2'-diylbis[diphenylphosphine]. However, as Claim 39 has been cancelled, this issue is moot.

In regard to claim 25, the Examiner has stated that compounds lack a chiral center. This is not true; in fact, Claim 25 encompasses compounds wherein the R3 substituent represents -CH=CH-CN or analogues thereof. Because of the double bond in said substituent, these compounds can be “E” isomer or “Z” isomer or can be a mixture of both. Hence, the term “stereochemically isomeric form” does make sense for claim 25. The Tables 1, 2 and 3; and reference to compounds 41, 42, 1, 54, 55, 57, 58, 60, 61, 65, 66, 68 illustrate this aspect of the invention. See also the specification at page 14, lines 7-9 of the description. Reconsideration and withdrawal of this rejection is respectfully requested.

Applicants have also checked and confirm that reference to “salts” have been deleted in both Claims 25 and 26.

It is believed all issues raised under 35 USC § 112, 2nd paragraph, have been answered in this paper.

Claims 24 and 38, which were objected to as containing improper multiple dependencies have been amended to delete the multiple dependencies.

Claim Rejection - 35 USC § 102

The Examiner has rejected claims 26, 29-32, 35, and 37-39 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,589,950 (Collingwood). This rejection is requested to be reconsidered and withdrawn. The present definition of R2 does not overlap with the corresponding substituents of the reference US 6,589,950, in regard to the corresponding substituents R2, R3, R4, R6, R7 and R8 of US 6,589,950. The substituent -C(=O)-NH_2 which is present in both example 147 and 151 of US 6,589,950, is not encompassed by the present R2 definition of the instant application. All claims present in the instant application avoid overlap with the reference.

CONCLUSION

All issues have been resolved in this paper. Early favourable action on the merits is respectfully requested. Applicant respectfully requests that a timely Notice of Allowance of claims 21-38 and 40-41.

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